Center for Biological Diversity • Fall 2021

MEET OUR CLIENTS

July–October 2021

AMERICAN BUMBLEBEE

Following a petition from the Center and allies, the U.S. Fish and Wildlife Service announced in September that the American bumblebee — a once-common pollinator whose populations have plummeted by nearly 90% in 20 years — may warrant Endangered Species Act protection.

TONGASS NATIONAL FOREST

In a victory for the climate, nature and Indigenous peoples, the Biden administration ended large-scale old-growth logging in Alaska's Tongass National Forest in June. The Center has put years of effort into protecting the Tongass's centuries-old trees, sparkling rivers and iconic wildlife.

GREATER SAGE GROUSE

Flowing from a 2018 lawsuit we filed against the Trump administration, a federal judge this June suspended new drilling and fracking on 605 federal oil and gas leases spanning 403,820 acres of greater sage grouse habitat in Wyoming and Montana.

LOS ANGELES COUNTY

Good for locals and good for the globe: Los Angeles County supervisors voted unanimously to end dirty, dangerous oil drilling. Center supporters sent more than 2,000 comments urging them to do the right thing.

SIERRA NEVADA RED FOX

Thanks to a 2011 petition and two lawsuits by the Center, one of North America's rarest mammals — the secretive red fox of California's Sierra Nevada — won Endangered Species Act Protection in August. There are probably fewer than 40 of these foxes left.

American bumblebee by Katie Lamke, Xerces Society; Greater sage grouse by Bob Wick, brown bear by Don MacDougal, USFS; oil-covered sea turtle by Florida Fish and Wildlife; Georgetown salamander by R. D. Bartlett; Tiehm's buckwheat by Patrick Donnelly; Yellowstone wolf by Jacob Frank, National Park Serivce; kids playing soccer in L.A. courtesy The City Project; Sierra Nevada red fox by Keith Slausen, USFS; Southern resident orca by Miles Ritter, CC-BY;

GULF OF MEXICO

In August the Center sued the Biden administration for deciding to open 80 million acres of the Gulf of Mexico to oil and gas leasing.

TEXAS SALAMANDERS

In the wake of a Center legal win, the Fish and Wildlife Service protected 1,315 acres near Austin, Texas, as critical habitat for Georgetown and Salado salamanders. The area includes an underground aquifer and springs.

TIEHM'S BUCKWHEAT

Responding to Center litigation, the Fish and Wildlife Service proposed in October to protect an extremely rare wildflower, Tiehm's buckwheat, as endangered. We've worked for three years to protect this plant from an open-pit lithium mine.

IDAHO WOLVES

The Center took legal action in August to challenge Idaho's new wolf-hunting laws, which allow year-round hunting, trapping and snaring — and the killing of up to 90% of the gray wolf population.

SOUTHERN RESIDENT KILLER WHALES

In July, responding to legal pressure from the Center, the federal government added more than 15,000 square miles of critical habitat protection along the West Coast for critically endangered Southern Resident killer whales. The population of Southern Residents stands at just 74 orcas.

SAVING THE OKEFENOKEE

Deep in the heart of the Okefenokee National Wildlife Refuge, colossal alligator snapping turtles lurk beneath tea-colored waters, luring tasty fish into their jaws with worm-like tongues. Gregarious red-cockaded woodpeckers chisel their homes into the trunks of longleaf pine trees. Crickets, pig frogs and barred owls fill the night air with music while thousands of stars glitter overhead.

Okefenokee is one of the last truly wild places in the southeastern United States.

With more than 400,000 acres of native ecosystems, it's a refuge for abundant flora and fauna, including 250 species of reptiles and amphibians and as many as 1,000 species of moths.

One of the world's largest naturally driven freshwater wetlands, Okefenokee is also the source of two rivers — a liquid heart pumping fresh water into the Suwannee and St. Marys rivers.

Beneath its waters, decomposed vegetation forms a thick bed of peat that contains information on global environmental changes over the past 5,000 years or more. Unstable peat masses rumble to the swamp's surface, giving rise to Okefenokee's name, a Choctaw word meaning "Land of the Trembling Earth."

This unique, untamed landscape has made Okefenokee a candidate for inclusion on the UNESCO World Heritage List, an honor reserved for places with "outstanding universal value."

But now it's at risk from a proposed titanium mine right on the refuge's doorstep. This reckless plan threatens to lower water levels in the swamp, sending shockwaves through natural ecosystems and harming rare and imperiled species.

To make matters worse, a Trump administration rule — aptly called the Dirty Water Rule — removed protections from nearby wetlands and eliminated all federal environmental oversight. If Georgia environmental officials issue the permits to mine, Okefenokee could be damaged forever.

We won't let that happen. The Center is working with a coalition of more than 40 conservation groups to stop the mine and save the swamp. Together we've pored over hundreds of records, drafted detailed analyses to government officials, and solicited more than 100,000 public comments opposing the mine. In September the Center and Georgia River Network launched a three-day mobile billboard tour of Atlanta, displaying a video featuring the sights and sounds of Okefenokee and encouraging supporters to speak out for the swamp.

Okefenokee is precious beyond words — a last remaining jewel of the once-wild Southeast.

Elise Bennett • Senior Attorney
Florida Program

WILDLIFE CROSSINGS CAN IMPROVE ROAD SAFETY AND FIGHT THE EXTINCTION CRISIS

When we think about wildlife crossings, we picture mountain lions safely crossing a freeway overpass or California tiger salamanders making their way through a shady underpass, avoiding traffic. Designed correctly, crossings can go a long way toward helping wildlife survive.

But the crossings help people, too. According to the UC Davis Road Ecology Center, there were more than 25,000 wildlife crashes with large mammals reported in California from 2015 to 2018, resulting in human deaths, injuries and property damages estimated at more than $1 billion.

Building effective crossings and upgrading existing infrastructure would make roads safer for drivers and wildlife alike. That's especially important in California, where sprawl development and a maze of freeways have cut off habitat for sensitive species like San Joaquin kit foxes and desert tortoises.

California Connections, a report published by the Center in August, calls on legislators to prioritize and allocate resources for wildlife crossings. State and local policymakers should also conserve intact habitat to protect the rich biodiversity of the Golden State.

Wildlife crossings require an initial investment, but costs are typically recovered in a few years by the savings from prevented wildlife crashes. Washington, Arizona and Utah are seeing such benefits. On sections of highways where these states have constructed crossings, wildlife crashes have been reduced by up to 98% and animals have been documented using the crossings.

That's why public agencies like Caltrans need to prioritize wildlife connectivity.

Transportation agencies should systematically collect roadkill data so we can build crossings where they can be the most effective. When we build or improve roads, we should incorporate wildlife crossings early in the planning process. We should also retrofit roads with crossing features by upgrading culverts or installing fencing to funnel wildlife toward underpasses.

There's a reason why the Center is calling for strong and immediate action: Poorly planned roads and development contribute to the extinction crisis. Consider the Southern California and Central Coast mountain lions now caught in an extinction vortex: Habitat loss and fragmentation have led to isolated populations and dramatic declines in genetic diversity for these majestic cats. With car strikes and rodenticide poisoning adding insult to injury, they could disappear from some parts of the state.

We can and must reverse course.

Roads and highways take years to plan and build. Let's start planning for effective wildlife crossings now — imperiled species don't have time to wait.

Above: photo of California newt by Tiffany Yap
Left: barred owl

Tiffany Yap • Senior Scientist & Wildlife Connectivity Advocate
Urban Wildlands Program

Disasters Show Urgent Need to Stop Formosa Plastics

The campaign to halt construction of one of the world's biggest petrochemical complexes in Louisiana's Cancer Alley made some major gains this year. But we can't rest on our laurels, because the Center and our partners also saw some vivid illustrations of why it's so crucial to stop Formosa Plastics in its tracks.

The U.S. Army Corps of Engineers announced it would require a full environmental impact study of the project's threats to public health, the community and our climate. It was a big win for the Center and our allies in Louisiana, who challenged the project in court and forced the suspension of its federal permit late last year.

The campaign against the complex also got some high-profile support. Top United Nations human-rights officials called the project "environmental racism" and urged U.S. officials to reject it. And five state attorneys general raised environmental justice concerns and asked the Corps to do a deeper analysis of the plan.

This summer, leading project opponent Sharon Lavigne of RISE St. James won the prestigious Goldman Environmental Prize for her work against super-polluting industrial projects proposed for the Mississippi River corridor known as Cancer Alley. Lavigne is a fierce defender of her predominantly Black and low-income community.

We also witnessed a devastating reminder of just how vulnerable this region is to extreme storms. When Hurricane Ida made landfall as a powerful Category 4 hurricane, Lavigne had her house's roof ripped off, lost most of her belongings, and was stranded without power for weeks.

When Ida hit, Louisiana was grappling with a deadly surge in Covid-19 infections and hospitalizations. The river parishes of Cancer Alley were hit particularly hard, since residents' health had already been compromised by decades of breathing toxic air. Researchers at Harvard found a clear link between exposure to air pollution and vulnerability to the new coronavirus.

Companies like Formosa Plastics are fueling the climate emergency and making the Gulf Coast hurricanes more extreme and frequent. At the same time, these industrial polluters are siting their facilities in the very communities that are most vulnerable to the impacts of climate change.

Formosa Plastics wants to turn the U.S. oversupply of fracked gas into mountains of throwaway plastics, creating carbon emissions and environmental injustice at every stage of the process. To protect public health, promote environmental justice, and take action on climate change, we must stop this company from building in Louisiana.

Julie Teel Simmonds • Senior Attorney
Oceans Program

FLORIDA'S TOWERS OF TOXIC WASTE

Florida is home to astounding biodiversity, epic beaches … and heaping mountains of radioactive, toxic waste that occasionally leak, breach and discharge.

The Piney Point phosphogypsum stack — which made headlines in April for nearly collapsing into Tampa Bay — is a tragic example of what can go wrong with these toxic piles of waste.

During the height of the crisis, Florida's governor ordered a state of emergency and the evacuation of 300 homes because the stack was about to capsize and release a 20-foot tidal wave of wastewater and fertilizer waste. Ultimately, the Florida Department of Environmental Protection authorized the stack owner to discharge wastewater into Tampa Bay to prevent the stack from completely failing.

That 10-day discharge released approximately 200 tons of highly concentrated nitrogen into Tampa Bay, fueling a deadly red tide that killed thousands of tons of marine life, including sea turtles and manatees. While Piney Point was a particularly well-documented problematic phosphogypsum stack, it's not unique.

Florida is saddled with 1 billion tons of phosphogypsum in 25 stacks, and the fertilizer industry adds approximately 30 million tons each year. But fertilizer production is a nasty business.

Along with tearing up hundreds of thousands of acres of Florida habitat to strip-mine for phosphate, the industry generates toxic waste when it creates the phosphoric acid used in fertilizer. This radioactive material is then stored in "stacks" hundreds of acres wide and hundreds of feet tall — in perpetuity. Because the waste poses an unacceptable risk of fatal cancer.

In addition to "closed" stacks like Piney Point, "active" stacks grow more perilous and less stable by the day. In 2016 a sinkhole opened in the New Wales gypstack, dumping at least 215 million gallons of wastewater and an unknown amount of phosphogypsum into an aquifer that supplies drinking water to millions. As it turns out, that was at least the fourth sinkhole in the stack in question.

And now the state's Department of Environmental Protection has issued a permit to expand this sinkhole-prone stack by another 230 acres. Meanwhile, in response to the Piney Point crisis, the state's considering a risky "solution" —injecting the remaining hundreds of millions of gallons of wastewater underground into Florida's vulnerable karst geological formations. This would be an unsafe, precedent-setting, out-of-sight and out-of-mind approach with significant risks.

We're opposing this dangerous plan every step of the way.

Lefft: photo of Sharon Lavign (center front) and other Formosa opponents; above: phosphogypsum stack

Jaclyn Lopez • Florida Director & Senior Attorney
Florida Program

PROTECTING POLAR BEARS AND PEOPLE FROM DISATROUS ARCTIC DRILLING

The Center has fought for decades to protect the magnificent far North, where polar bears roam and belugas and narwhals swim.

To protect these Arctic animals and the wondrous ice and seas that support them, we're challenging each new oil-drilling proposal impinging on their habitat. And we're pushing President Biden to block disastrous moves by former President Trump on behalf of his oil-and-gas industry allies.

Besides being home to vulnerable wildlife and communities, the Arctic is crucial to preserving a livable planet. In recent years, its late-summer sea ice has been at its lowest level in at least 1,000 years. Scientists predict there may be no summer sea ice at all by 2035.

As ice melts it exposes the dark water beneath, which absorbs the sun's heat instead of reflecting it — part of why the region is heating up at three times the global rate, with ripple effects on our overall climate.

After promising "bold, progressive action" to address the climate emergency, Biden hasn't matched his words with actions. Far from it: His administration continues to allow fossil fuel exports, encourage other countries to drill for more oil, fail to rein in carbon pollution from airplanes, and plan for the largest oil lease sale in U.S. history in the Gulf of Mexico — among many other actions and inactions that supercharge the climate crisis.

This has made our efforts to protect the Arctic indispensable.

The highest-profile fight is over the Arctic National Wildlife Refuge, which Republicans opened to oil and gas development in 2017. We filed a lawsuit to stop oil activity in the area and continue to support congressional Democrats' efforts to permanently protect polar bears, caribou and migratory birds from drilling in the refuge.

And we sued over the largest roadless area left in the United States — the Western Arctic — when the Trump administration issued a plan to open 18.6 million acres to oil and gas leasing. In September, in a win for the Arctic, the Biden administration announced it will review the plan and its consistency with Biden's climate goals, in a reversal of an earlier failure to do so.

It took a federal judge to block another massive Trump-approved Western Arctic oil scheme, ConocoPhillips's Willow Project, which was also being defended by the Biden administration. There, the court ruled the approval had failed to properly consider climate change impacts from the project or its impact on polar bears.

Polar bear by Thomas Mangelsen

Unfortunately, despite early promise, the Biden administration continues to allow oil and gas activities that threaten our climate and species from polar bears to ice seals to Pacific walruses. This summer, it issued rules that allow oil companies to harass polar bears and walruses when drilling or searching for oil in the Western Arctic and Beaufort Sea.

While we were successful in blocking the first offshore oil development fully within federal Arctic waters late last year, more threats hover. A state-owned company wants to build a huge pipeline and liquefied natural gas facility to ship Arctic gas abroad; a push to expand offshore drilling in Alaska's Cook Inlet threatens its endangered beluga whales.

For all the plants, animals and peoples of the Arctic, we're fighting to protect their one and only home. From the courthouse to the White House, we won't rest.

Kassie Siegel
Climate Law Institute Director

Kristen Monsell
Oceans Program Litigation Director

THE ECOLOGICAL CONSEQUENCES OF PUBLIC LANDS GRAZING

Beef production is the top commercial use of public lands and a paramount stressor of natural resources, affecting nearly 270 million acres across the West. The industry devastates landscapes, leaving them unrecognizable. National forests, monuments, conservation areas — nowhere is safe from cattle grazing.

Herds of cows trample wetlands and waterways, polluting them with feces. They cause irreversible changes in stream hydrology, plant communities and watershed function, often resulting in the wholesale degradation of rare ecosystems. In the Southwest, grazing is one of the causes for the decline of numerous species. It's recognized by the U.S. Fish and Wildlife Service as a central threat to many imperiled species, including yellow-billed cuckoos and Chiricahua leopard frogs.

Having conducted extensive field surveys, I can tell you that cattle damage is shockingly severe and pervasive, and that protections given to imperiled species are woefully inadequate. At the Center, I'm working to remove destructive cattle from riparian zones — life-giving arteries that support a tremendous diversity of species in the arid Southwest — and from areas that have been designated as critical to the recovery of threatened and endangered wildlife.

The beef industry's enablers in government seem to suffer from collective amnesia. They often attempt to restore ravaged rangelands — but only to feed more cattle. Millions of taxpayer dollars are funneled into "range improvements" that do nothing but further subsidize cattle grazing for private profit in defiance of ecological limits. Desperate attempts to greenwash public-lands grazing by wrapping it up in new strategies and jargon — through "holistic grazing," "planned grazing," or "prescribed grazing" — end up perpetuating more damage on already beaten-down landscapes. Regardless of new marketing spins on range management, the list of imperiled wildlife keeps growing.

{ The disappointing truth is that federal land-management agencies blatantly prioritize livestock over wildlife, fencing off a tiny slice of the ecosystem for wildlife and leaving the rest for cows. This mindset is detached from reality and ultimately thwarts wildlife's ability to survive a rapidly warming world.

But the Center's work is getting results. We recently negotiated an agreement with the U.S. Forest Service and Fish and Wildlife Service to protect the Apache-Sitgreaves and Gila national forests in New Mexico from grazing's harmful impacts. We've also initiated lawsuits over grazing in Agua Fria National Monument as well as Gila Box and San Pedro National conservation areas. We won't let up until public-land ecosystems are relieved of this unbearable burden. Any way you look at it, conserving nature is worth infinitely more than raising cattle.

Chris Bugbee • Southwest Conservation Advocate

Unauthorized grazing at Agua Fria National Monument by Russ McSpadden

Male ivory-billed woodpecker courtesy USGS

URGENCY

From the Director
Kierán Suckling

We don't know how it felt to be the last ivory-billed woodpecker in the world on her last day. She may have woken at sunrise to fly out of the safety of her roost hole, which she would have excavated in a bald cypress or longleaf pine somewhere in Mississippi or Arkansas. Maybe, as she pecked at trees searching for beetle larvae to eat, she paused now and again to listen longingly for the call of another like her. Maybe she heard, or even felt, the whine of chainsaws vibrating through her home forest.

No ivory-billed woodpecker has been seen since 1944. And in late September the U.S. Fish and Wildlife Service proposed to remove the bird from the endangered species list, along with 21 other animals and a plant, because it's presumed extinct. Each of these 23 species was likely gone or nearly gone when it was listed under the Endangered Species Act. The Act is powerful — it has prevented the extinction of 99% of the plants and animals under its care — but the Fish and Wildlife Service is exceedingly slow to give species the Act's protection in the first place.

A 2016 study found that species waited a median of 12 years to receive safeguards. Several of the species in September's grim announcement went extinct during bureaucratic delay: the Guam broadbill; little Mariana fruit bat; and southern acornshell, stirrupshell and upland combshell mussels. We're at risk of losing hundreds more species because of the agency's delays.

For 30 years now the Center has worked to force the Fish and Wildlife Service to act. We've catalyzed the federal protection of more than 720 species and have won more than half a billion acres of critical habitat. We can't bear the extinction of even one more species — so as the extinction crisis presses down on them, and on us, we fight back as hard as we can.

And we can't do it without you.

ENDANGERED EARTH is the membership newsletter of the Center for Biological Diversity. With the support of more than 1.7 million members and supporters, the Center works through science, law, media and activism to secure a future for all species, great or small, hovering on the brink of extinction. *Endangered Earth* is published three times yearly in January, July and October.

ON THE COVER
Grizzly in Alaska's Tongass National Forest by Don MacDougal / USFS

To become a member or give a gift membership, contact us at (866) 357-3349 x 323 or membership@biologicaldiversity.org; send a check to Center for Biological Diversity, Membership, P.O. Box 710, Tucson, AZ, 85702-0710; or visit the "Support" page on our secure server: **www.BiologicalDiversity.org**. Contributions are tax deductible. Our tax ID# is 27-3943866.

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Barred owl

The Center for Biological Diversity's more than three decades history is unmatched: We've secured protections for more than 720 species and more than half a billion acres of wildlife habitat. Help us continue this extraordinary legacy by joining the Owls Club.

By leaving a legacy gift through a bequest, or making the Center a beneficiary of your retirement plan or other estate plan, you'll be supporting the fight to save endangered wildlife for generations to come. To learn more about your legacy giving options, please call (646) 770-7206 or email owlsclub@biologicaldiversity.org.

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